Patent
Docket No: 54493USA3C.008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nathaniel P. Langford

Serial No.:

Filed:

For: LOW DUST WALL REPAIR COMPOUND

Group Art Unit:

Examiner:

Continuation-in-Part of Application Serial No. 09/208,782 filed December 10, 1998.

Certificate of Express Mailing	
Pursuant to 37 CFR 1.10 I certify that this application is being deposited on the date indicated below with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to: Commissioner for Patents, Washington, DC 20231.	
Express Mail Mailing Label No. **EL597085606US**	**Signature of Person Mailing Application** Susan M. Hendrickson
Date of Deposit March 29, 2001	**Printed Name of Person Mailing Application** **Susan M. Hendrickson**

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Prior to issuance of a first Official Action by the Examiner, please amend the application as set forth below.

Clean Version of Replacement Paragraphs/Sections/Claims

In the Specification

Before the first line on page 1, add the following paragraph:

This application is a continuation-in-part application of U.S. Application Serial No. 09/208,782, filed December 10, 1998, which is hereby incorporated by reference in its entirety.

Replace the paragraph beginning on page 2, line 27 with:

A spackling compound is disclosed in the Deer et al. U.S. Patent No. 4,391,648. While joint compound and spackling compound do many of the same things and are both smeared onto walls to hide flaws, spackling compound is generally lighter, dries more quickly, sands more easily, and is more expensive than joint compound. For simplicity, joint compound, drywall joint compound, and like expressions are used throughout this specification to refer to wall repair compounds generally, including joint compound and spackling compound.

Replace the paragraph beginning on page 10, line 6 with:

As shown, three specimens 4a, 4b, 4c of joint compound were prepared on a section of wallboard 20 and the section of wallboard 20 was clamped to a mounting block 22 arranged within the enclosure 2. When tested, the specimens were located about twelve inches above the bottom wall 8 of the enclosure. Each specimen was tested individually and after each test, the enclosure was cleaned so that the quantity of airborne dust particles measured less than 0.05 mg/m^3. A particle counter 24 for measuring the quantity of airborne particles was mounted in the right side wall about forty eight inches above the center of the specimens 4a, 4b, and 4c.

In the Claims

Please cancel claims 1-23 and add the following new claims:

24. (new) A wall repair compound comprising a filler material, a binder material, and a dust reducing additive.

25. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises less than about 20% of the wall repair compound total wet weight.

26. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises from about 0.1% to about 10% of the wall repair compound total wet weight.

27. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises from about 1.5% to about 6.0% of the wall repair compound total wet weight.

28. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises a wax.

29. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises a mixture of at least two oils.

30. (new) A wall repair compound as defined in claim 29, wherein said dust reducing additive comprises a mixture of a mineral oil and an unsaturated oil.

31. (new) A wall repair compound as defined in claim 30, further comprising a surfactant.

32. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises a saturated oil.

33. (new) A wall repair compound as defined in claim 24, wherein said dust reducing additive comprises a solvent which evaporates slower than water.

34. (new) A wall repair compound as defined in claim 24, wherein said filler material comprises from about 25% to about 95% of said wall repair compound total wet weight, and the binder material comprises from about 1% to about 45 % of said wall repair compound total wet weight.

35. (new) A wall repair compound as defined in claim 34, wherein said filler material includes a material selected from the group consisting of calcium carbonate and calcium sulfate dihydrate.

36. (new) A wall repair compound as defined in claim 34, wherein said filler material comprises calcium sulfate hemihydrate.

37. (new) A wall repair compound as defined in claim 34, wherein said binder material is selected from the group consisting of acrylic resins and vinyl acetate copolymers.

38. (new) An initially paste-like mixture for filling joints between adjacent wallboard panels, and repairing cracks, holes, or other imperfections in a wall surface, said mixture including a dust reducing additive so that the mixture, when allowed to harden and sanded, generates a quantity of airborne particles having a size of less than 10 microns when tested as described in this specification which is 50% less than the quantity of airborne particles that would be generated by said mixture without said dust reducing additive.

39. (new) A mixture as defined in claim 38 which when tested as described in this specification generates a quantity of airborne particles 75% less than the amount that would be generated if said mixture contained no dust reducing additive.

40. (new) A mixture as defined in claim 38 which when tested as described in this specification generates a quantity of airborne particles 90% less than the amount that would be generated if said mixture contained no dust reducing additive.

41. (new) An initially paste-like mixture for filling joints between adjacent wallboard panels, and repairing cracks, holes, or other imperfections in a wall surface, said mixture including a dust reducing additive so that the mixture, when allowed to harden and sanded, generates a quantity of airborne particles having a size of less than 10 microns when tested as described in this specification which is less than 50 mg/m^3.

42. (new) A mixture as defined in claim 41 which when tested as described in this specification generates less than 15 mg/m^3 of airborne particles.

43. (new) A mixture as defined in claim 41 which when tested as described in this specification generates less than 5 mg/m^3 of airborne particles.

44. (new) A mixture having an initially paste-like consistency for filling and repairing cracks, holes, or other imperfections in a surface and having a final hardened sandable condition which can be manually sanded to a smooth finish, said mixture including a dust reducing additive so that when said final hardened sandable mixture is sanded using the test procedure described in this specification, the quantity of airborne particles having a size of no greater than 10 microns is at least 50 percent lower than the quantity of airborne particles that would be generated if the mixture contained no dust reducing additive.

45. (new) A dust reducing additive composition for admixing with a drywall joint compound, said drywall joint compound comprising a filler and a binder, said additive comprising at least one of a wax, oil, surfactant, solvent, and mixtures thereof.

46. (new) A drywall joint compound comprising:

(a) a filler selected from the group consisting of calcium carbonate, calcium sulfate dihydrate, and calcium sulfate hemihydrate;

(b) a binder;

(c) a dust reducing agent present in an amount from about 1.5 to about 20 percent based on the wet weight of the joint compound; and

(d) sufficient water to adjust the viscosity of said joint compound to render said joint compound suitable for use.

47. (new) A drywall joint compound comprising by weight percent:

(a) between about 25 percent and about 95 percent filler material;

(b) between about 1 percent and about 45 percent binder material;

(c) at least about 1.5 percent dust reducing additive; and

(d) sufficient water to form a slurry with said filler material, said binder material, and said dust reducing additive.

48. (new) A drywall joint compound comprising by weight percent:

(a) between about 25 percent and about 95 percent filler material;

(b) between about 1 percent and about 45 percent binder material;

(c) between about 0.1 percent and about 20 percent dust reducing additive, said dust reducing additive comprising at least one of a wax, an oil, a solvent, and mixtures thereof; and

(d) sufficient water to form a slurry with said filler material, said binder material, and said dust reducing additive.

49. (new) A drywall joint compound having an initially paste-like consistency for filling joints between adjacent wallboard panels and having a hard sandable condition after being applied to a wallboard joint and allowed to harden, said compound comprising:

(a) a filler selected from the group consisting of calcium carbonate, calcium sulfate dihydrate, and calcium sulfate hemihydrate;

(b) a binder;

(c) a dust reducing agent present in an amount from about 1.5 to about 20 percent based on the wet weight of the joint compound; and

(d) sufficient water to adjust the viscosity of said joint compound to render said joint compound suitable for use;

wherein said hardened compound, when sanded as described in this specification, generates a quantity of airborne particles having a size of less than 10 microns which is less than 15 mg/m^3 and is at least 75% less than the amount that would be generated if the joint compound contained no dust reducing additive.

Remarks

Claims 1-23 have been canceled and claims 24-49. New claims 24-49 have been presented to better encompass the full scope and breadth of the invention. Applicant asserts that no claims have been narrowed within the meaning of *Festo*. Also, in accordance with 37 C.F.R. §1.121(b) and (c), the prior pending paragraphs and claims with all changes shown by a conventional comparison system are provided in Appendix A. Claims 24-50 now stand in the application.

If the Examiner believes there are any outstanding matters in the present application which could be resolved with a telephonic conference, the Examiner is encouraged to contact applicants' undersigned representative.

Respectfully submitted,

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Date: MARCH 29, 2001	

By _____
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Appendix A

Version with Markings to Show Changes Made

Nathaniel P. Langford
Serial No. 09/208,782
Filed: December 12, 1998
For: LOW DUST WALL REPAIR COMPOUND

The paragraph beginning on the first line of page 1 is new.

The paragraph beginning on page 2, line 27 has been amended as follows:

A spackling compound is disclosed in the Deer et al. U.S. Patent No. [4,391,648] 4,391,647. While joint compound and spackling compound do many of the same things and are both smeared onto walls to hide flaws, spackling compound is generally lighter, dries more quickly, sands more easily, and is more expensive than joint compound. For simplicity, joint compound, drywall joint compound, and like expressions are used throughout this specification to refer to wall repair compounds generally, including joint compound and spackling compound.

The paragraph beginning on page 10, line 6 has been amended as follows:

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Claims 1-23 have been canceled and claims 24-49 are new.